

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 COME-00 EB-07 INR-07 LAB-04

NSAE-00 SIL-01 L-03 H-02 DODE-00 PA-02 USIA-15 PRS-01

SP-02 HEW-06 TRSE-00 /063 W
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P 311153Z DEC 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 5388

UNCLAS SECTION 01 OF 02 BONN 20894

E.O. 11652: N/A

TAGS: OVIP (ARENDT, WALTER), ELAB, SWEL, GW

SUBJECT: PROPOSED US-FRG SOCIAL SECURITY AGREEMENT
AND VISIT OF FRG LABOR MINISTER

REF: (A) BONN 20273; (B) BONN 19553

1. SUPPLEMENTING REFTELS, KARL FITTING, WHO IS THE
LABOR MINISTRY'S ASSISTANT SECRETARY (MINISTERIALDIREK-
TOR) FOR LABOR LAW, WAGE POLICY AND INDUSTRIAL HEALTH
AND SAFETY HAS INDICATED TO THE EMBASSY LABOR ATTACHE
THAT THE FRG HAS REFORMED ITS INDUSTRIAL HEALTH AND
SAFETY LEGISLATION AND IS CONSIDERING FURTHER IMPROVE-
MENTS. FITTING ALSO SAID HE IS INTERESTED IN EXCHANGING
EXPERIENCES WITH DEPARTMENT OF LABOR COUNTERPARTS ON
IMPROVING GOVERNMENTAL PROGRAMS IN THIS SECTOR. FITTING
HAS BEEN PROVIDED COPIES OF THE PAPER PREPARED BY THE
U.S. DEPARTMENT OF LABOR "QUESTIONS AND ANSWERS ON
U.S. OCCUPATIONAL SAFETY AND HEALTH PROGRAMS", WHICH
WAS PREPARED FOR A LATIN AMERICAN MINISTRY OF LABOR,
AS WELL AS COPIES OF PUBLIC LAW 91-596 AND MONTHLY
LABOR REVIEW ARTICLES REVIEWING THE THREE YEARS OF THE
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION. AFTER
READING THIS BACKGROUND INFORMATION, FITTING PREPARED
THE FOLLOWING LIST OF SUBJECTS AND QUESTIONS FOR HIS
MEETINGS WITH HIS COUNTERPARTS IN THE DEPARTMENT OF
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LABOR:

(A) CONTROL OF OBSERVANCE AND COMPLIANCE BY PRIVATE FIRMS:

Q.1 - WHO IS IN CHARGE OF OBSERVANCE AND COMPLIANCE WITH INDUSTRIAL SAFETY AND HEALTH LAWS? IS IT THE FEDERAL GOVERNMENT? OR STATE GOVERNMENT? OR LOCAL COMMUNITIES? IS THERE ANY CONTROL BY THE WORKMENS' COMPENSATION OR PRIVATE INSURANCE SYSTEMS? WHAT SUPERVISORY INSTITUTIONS EXIST FOR OBSERVANCE AND COMPLIANCE?

Q. 2 - WHO ISSUES THE REGULATIONS? THE FEDERAL GOVERNMENT? THE INSURANCE COMPANIES? OR THE ORGANIZATIONS THAT DETERMINE SAFETY AND HEALTH STANDARDS?

Q. 3 - WHAT METHODS ARE USED TO IMPLEMENT THE LAWS AND TO ADAPT THEM TO PRACTICAL REALITIES ON THE JOB? WHAT ARE THE TECHNICAL REGULATIONS AND WHAT HAVE BEEN THE EFFECTS? (FOR EXAMPLE, IN THE FRG REGULATIONS HAVE BEEN DEVELOPED ON BOILERS, INCLUDING ADMINISTRATIVE REGULATIONS FOR THEIR INSPECTION AND TECHNICAL RULES FOR THE USE OF BOILERS.)

Q. 4 - WHO IS IN CHARGE OF OBSERVANCE AND COMPLIANCE WITH THESE RULES?

Q. 5 - WHO ISSUES THE SAFETY OR HEALTH REGULATIONS? WHO IN PARTICULAR IS AFFECTED? ARE WORKERS ALSO PENALIZED FOR VIOLATIONS? WHAT LEGAL REMEDIES ARE AVAILABLE TO APPEAL THESE REGULATIONS OR DECISIONS?

Q. 6 - WHAT ARE THE PENALTIES? ARE FACTORIES AND FIRMS REQUIRED TO EMPLOY SAFETY ENGINEERS OR SAFETY SPECIALISTS AND DOCTORS TO SUPERVISE OCCUPATIONAL SAFETY AND HEALTH PROGRAMS? WHAT DO THE TRADE UNIONS PLAY IN OCCUPATIONAL HEALTH AND SAFETY WITHIN A FIRM OR FACTORY?

B) TOXIC SUBSTANCES AND HARMFUL PHYSICAL AGENTS:

Q. 1 - WHO ESTABLISHES THE LIST OF TOXIC SUBSTANCES
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AND HARMFUL PHYSICAL AGENTS? HOW ARE WORKING PROCESSES COVERED?

Q. 2 - WHO DETERMINES THE REQUIREMENTS FOR LABELLING AND PACKAGING OF TOXIC SUBSTANCES?

Q. 3 - WHO DETERMINES THE RULES FOR MAXIMUM EXPOSURE OF EMPLOYEES TO TOXIC SUBSTANCES OR HARMFUL PHYSICAL

AGENTS?

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PRS-01 SP-02 TRSE-00 /063 W

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Q. 4 - ARE THERE ANY COMPULSORY REGULATIONS TO GOVERN
PREVENTIVE MEDICAL EXAMINATIONS, PROTECTIVE DEVICES,
OR LIMITATIONS ON WORKING HOURS?

Q. 5 - WHO IS IN CHARGE OF OBSERVANCE AND COMPLIANCE
OF THESE RULES AND WHO INSPECTS THE WORK?

Q. 6 - WHERE ARE THE CONTROLS APPLIED? FOR EXAMPLE,
ON THE MANUFACTURER? IMPORTER? RETAIL OR WHOLESALE
OUTLETS? OR IN THE FACTORY OR FIRM WHERE THE TOXIC
SUBSTANCE OR HARMFUL PHYSICAL AGENT IS ACTUALLY
USED?

Q. 7 - WHO IS AUTHORIZED TO ISSUE REGULATIONS PRO-
HIBITING THE USE OF TOXIC SUBSTANCES OR HARMFUL PHYSI-
CAL AGENTS? WHO WOULD BE AFFECTED?

Q. 8 - WHAT LEGAL REMEDIES ARE AVAILABLE TO APPEAL THESE
PROHIBITIONS? WHAT ARE THE PENALTIES FOR VIOLATIONS OF
THESE REGULATIONS?

C) PROTECTIVE EQUIPMENT:

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Q. 1 - WHAT SECTORS ARE COVERED? PRODUCTION LINE
GOODS? HOUSEHOLD EQUIPMENT? TOYS?

Q. 2 - WHO ISSUES THE REGULATIONS OR RULES REQUIRING
THE USE OF PROTECTIVE EQUIPMENT? THE FEDERAL OR
STATE OR LOCAL GOVERNMENT? WHEN IS THE FEDERAL
GOVERNMENT COMPETENT? ARE PRIVATE ORGANIZATIONS
RESPONSIBLE FOR ESTABLISHING STANDARDS? WHAT IS THE
PROCEDURE FOR ESTABLISHING STANDARDS? ARE THERE ANY
PUBLIC HEARINGS? HOW ARE THESE STANDARDS MADE MAN-
DATORY? HOW ARE EXCEPTIONS DETERMINED OR ALTERNATIVE
EQUIPMENT PROVIDING COMPARABLE PROTECTION APPROVED?
ARE THERE ANY SPECIAL REGULATIONS FOR ELECTRICAL
EQUIPMENT OR APPLIANCES?

Q. 3 - WHO PARTICIPATES IN THE DEVELOPMENT OF STAN-
DARDS? ARE SPECIAL ORGANIZATIONS OR EXPERTS INVITED
TO PARTICIPATE? WHO IS IN CHARGE OF OBSERVANCE AND
COMPLIANCE?

Q. 4 - WHERE IS CONTROL EXERCISED? ON THE MANUFAC-
TURER? ON THE IMPORTER? ON THE WHOLESALE OR RETAIL
FIRM? OR IN THE FACTORY OR FIRM WHERE THE EQUIPMENT
IS OPERATED?

Q. 5 - WHO IS AUTHORIZED TO ISSUE REGULATIONS PRO-
HIBITING THE USE OF CERTAIN EQUIPMENT? WHO IS AFFECTED
BY THESE REGULATIONS?

Q. 6 - WHAT ARE THE LEGAL REMEDIES TO APPEAL THESE
DECISIONS?

Q. 7 - WHAT ARE THE PENALTIES? HAVE WHOLESALE OR
RETAIL FIRMS THE RIGHT TO RETURN GOODS TO MANUFACTURERS
THAT DO NOT COMPLY WITH THESE REGULATIONS?

Q. 8 - WHAT TESTING INSTITUTIONS OR AGENCIES EXIST?
WHAT SAFETY LABELS ARE REQUIRED, IF ANY?

2. ACTION REQUESTED: PLEASE PASS ASAP ABOVE QUESTIONS
TO DEPARTMENT OF LABOR FOR USE IN PREPARATIONS FOR
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CONTACTS WITH FITTING DURING LABOR MINISTER ARENDT
VISIT TO DEPARTMENT OF LABOR ON JANUARY 9.
HILLENBRAND

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: OCCUPATIONAL SAFETY, AGREEMENTS, INSTRUCTIONS, MINISTERIAL VISITS, SOCIAL INSURANCE, MEETINGS, BRIEFING MATERIALS
Control Number: n/a
Copy: SINGLE
Draft Date: 31 DEC 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BONN20894
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750451-0352
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975122/aaaaabla.tel
Line Count: 228
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 75 BONN 20273, 75 BONN 19553
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 21 AUG 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <21 AUG 2003 by ReddocGW>; APPROVED <22 JAN 2004 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PROPOSED US-FRG SOCIAL SECURITY AGREEMENT AND VISIT OF FRG LABOR MINISTER
TAGS: OVIP, ELAB, SWEL, GE, (ARENDT, WALTER), (FITTING, KARL)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006